# CHAPTER cxli.

An Act for providing for the release of a portion of the money deposited in respect of the application to Parliament for the Borough of Portsmouth Kingston Fratton and Southsea Tramways Act 1883; and for other purposes. A.D. 1887.

[19th July 1887.]

WHEREAS the Borough of Portsmouth Kingston Fratton and Southsea Tramways Company in this Act called "the Company" were incorporated by the Borough of Portsmouth Kingston Fratton and Southsea Tramways Act 1883 in this Act called "the Act of 1883" and were authorised to construct tramways in certain streets and roads in the parish of Portsea in the borough of Portsmouth:

And whereas a sum of one thousand seven hundred and seventy-five pounds eleven shillings and ninepence New Three Pounds per Centum Annuities was transferred into the Chancery Division of the High Court of Justice in England as security for the completion of the tramways authorised by the Act of 1883:

And whereas a portion of such tramways was duly completed and opened for the public conveyance of passengers within the time limited by that Act and thereupon in pursuance of the provisions of the said Act so much of the said sum as bears to the whole sum the same proportion as the length of the tramways so opened bears to the entire length of the tramways by that Act authorised was repaid to the depositors and there is now standing in the name of the Paymaster General for and on behalf of the Supreme Court of Judicature in England in the matter of ex parte the undertaking of the Borough of Portsmouth Kingston Fratton and Southsea Tramways Bill the sum of nine hundred and forty-four pounds eleven shillings and ninepence like annuities and it is expedient that such sum should subject to the provisions of this Act be released as herein-after provided:

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And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

**1.** This Act may be cited for all purposes as the Borough of Portsmouth Kingston Fratton and Southsea Tramways Act 1887.

Providing for release of balance of deposit under Act of 1883.

**2.** Subject to the provisions of section 46 of the Act of 1883 relating to compensation to landowners and other persons injured and road authorities and for protection of creditors the High Court of Justice in England may and shall at any time after the passing of this Act on application by the depositors mentioned in section 45 of the Act of 1883 order that the sum of nine hundred and forty-four pounds eleven shillings and ninepence New Three Pounds per Centum Annuities now standing in the name of the Paymaster General for and on behalf of the Supreme Court of Judicature in England in the matter of ex parte the undertaking of the Borough of Portsmouth Kingston Fratton and Southsea Tramways Bill and the interest or dividends thereon shall be transferred and paid to the said depositors and upon such order being made the said balance and the interest or dividends thereon shall be transferred and paid accordingly.

Varying borrowing powers under Act of 1883.

**3.** And whereas by the Act of 1883 the Company were empowered to borrow on mortgage not exceeding twelve thousand pounds and of that sum they were empowered to borrow six thousand pounds in respect of each twenty-four thousand pounds of the capital by that Act authorised subject to the restrictions in that Act contained: And whereas the Company have exercised the said borrowing powers to the extent of six thousand pounds and it is expedient that they should be authorised to borrow the remaining six thousand pounds by instalments as herein-after provided: Therefore notwithstanding anything in the said Act contained the Company may from time to time and subject to the restrictions herein-after contained borrow any sum not exceeding three thousand pounds in respect of each twelve thousand pounds of capital authorised by the Act of 1883 in respect of which the borrowing powers have not yet been exercised but no part of any such sum of three thousand pounds shall be borrowed until shares for the whole of the respective portion of capital in respect of which the same is borrowed are issued and

accepted and one half of such portion of capital is paid up and the Company have proved to the justice who is to certify under section forty of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Carrying of mails by Company.

**4.**—(1) The Company if required by the Postmaster General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster General from time to time requires provided as follows :—

(*a*) Nothing in this section shall authorise the Postmaster General to require mails in excess of the following weights to be carried by the Company in or upon any carriage that is to say :—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers ; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for

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ordinary parcels or for the luggage of ordinary passengers whichever is the greater:

(*b*) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with:

(*c*) Nothing in this section shall authorise the Postmaster General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger:

(*d*) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramway were a railway:

(2) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section:

(3) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882:

(4) For the purposes of this section a requisition by Her Majesty's Postmaster General may be signified by writing under the hand of any person who is at the time either such Postmaster General or a Secretary or Assistant Secretary of the Post Office or the Inspector General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Tramways of Company not exempt from provisions of general Acts.

**5.** Nothing herein contained shall be deemed or construed to exempt the tramways of the Company from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or

from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act. A.D. 1887.

**6.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Expenses of Act.

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